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APPLICATION NO.		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,464	_	12/31/2003	Justin R. Barone	0066.03	9866
25295	7590	10/20/2004	EXAMINER		INER
USDA, ARS, OTT 5601 SUNNYSIDE AVE				RAJGURU, UMAKANT K	
RM 4-1159 BELTSVILLE, MD 20705-5131				ART UNIT	PAPER NUMBER
DELIGVI	DEETSVIELE, MD 20/03-3131			1711	
				DATE MAILED: 10/26/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Assis 0	10/750,464	BARONE ET AL.
Office Action Summary	Examiner	Art Unit
	Umakant K. Rajguru	1711
The MAILING DATE of this communication Period for Reply	n appears on the cover sheet w	ith the correspondence address
A SHORTENED STATUTORY PERIOD FOR RITHE MAILING DATE OF THIS COMMUNICATION  - Extensions of time may be available under the provisions of 37 CI after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, If NO period for reply is specified above, the maximum statutory properties to reply within the set or extended period for reply will, by some armed patent term adjustment. See 37 CFR 1.704(b).	ON. FR 1.136(a). In no event, however, may a in n. a reply within the statutory minimum of thin eriod will apply and will expire SIX (6) MON	reply be timely filed  by (30) days will be considered timely.  THS from the mailing date of this communication
Status		•
1) Responsive to communication(s) filed on _		
1 ^ 1 = 1	This action is non-final.	
<ol> <li>Since this application is in condition for allow</li> </ol>	owance except for formal matter	ers prosecution as to the marity is
closed in accordance with the practice und	er Ex parte Quayle, 1935 C.D.	. 11. 453 O G 213
Disposition of Claims	•	
4) Claim(s) <u>1-9</u> is/are pending in the application	on.	
4a) Of the above claim(s) is/are with 5) Claim(s) is/are allowed.	drawn from consideration.	
6) Claim(s) is/are rejected.		
7) Claim(s) is/are objected to.		
8) Claim(s) 1-9 are subject to restriction and/o		
	r election requirement.	
Application Papers	•	
9)☐ The specification is objected to by the Exam	iner.	
10) The drawing(s) filed on is/are: a) a	accepted or b) objected to b	v the Evaminor
Applicant may not request that any objection to t	he drawing(s) be held in abeyand	e See 37 CER 1 95(a)
Replacement drawing sheet(s) including the corr	ection is required if the drawing/s	Vic chicated to Decide and American
11)☐ The oath or declaration is objected to by the	Examiner. Note the attached	Office Action or form PTO 452
Priority under 35 U.S.C. § 119		- 10-132.
<u>-</u>		
12) Acknowledgment is made of a claim for forei a) All b) Some * c) None of:	gn priority under 35 U.S.C. § 1	19(a)-(d) or (f).
1. Certified copies of the priority docume	ents have been received.	•
2. Certified copies of the priority docume	ents have been received in Apr	Dication No.
3. Copies of the certified copies of the pr	iority documents have been re	eceived in this National Ct
application from the international Bure	au (PCT Rule 17 2/a))	
* See the attached detailed Office action for a li	st of the certified copies not re	ceived
	Ţ	
attachment(s)		
Notice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Davis (PTO-842)	4) Interview Sum	nmary (PTO-413)
Information Disclosure Statement(s) (PTO-1449 or PTO/SP/O	Paper No(s)/N	fail Date
aper No(s)/Mail Date	6) Notice of Infor	mal Patent Application (PTO-152)
Patent and Trademark Office OL -326 (Rev. 1.04)		

3)

Application/Control Number: 10/750,464

Art Unit: 1711

1. Claims 2 & 3 are generic to a plurality of disclosed patentably distinct species comprising several polymers. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. Claim 5 is generic to a plurality of disclosed patentably distinct species comprising fine different source of Keratin. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

3. A telephone call was made to Attorney G. Byron Stover on September 20, 2004 to request an oral election to the above restriction requirement, but did not result in an election being made.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to U. K. Rajguru whose telephone number is (571) 272-1077. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

U. K. Rajguru/af October 19, 2004

> James J. Seidleck Supervisory Patent Examinar Technology Center 1700